



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Little Rock Area Office**

820 Louisiana St., Suite 200

Little Rock, AR 72201

Little Rock Direct Dial: (501) 324-5060

Writer's Email chris.stafford@eeoc.gov

FAX (501) 324-5991

Website: www.eeoc.gov

Mr. Marvin Foster
P O Box 3874
Memphis, TN 38173
Marvinfoster714@yahoo.com

Date: 6/13/2022

Re: 846-2021-26325; Foster v Rite-Hite Products

Dear Mr. Foster:

This letter is to inform you the Commission is terminating the processing of your charge and gives notice of your right to file suit within 90 days. No further action will be taken by this office regarding your charge of discrimination. This determination concludes the processing of the charge by the EEOC, but does not affect your right to sue on your own behalf. You may pursue the matter by filing in Federal District Court as explained in the Dismissal and Notice of Rights. **You will receive an e-mail notification when the Dismissal and Notice of Rights has been uploaded into the EEOC on-line Portal and available for you to download. You should download the Dismissal and Notice of Rights document immediately upon notice.**

On 5/23/2022, a copy of the Respondent's position statement was released to you through the EEOC portal and you were provided the opportunity to respond, but EEOC received no response. All evidence collected during the investigation was thoroughly reviewed. The investigation revealed the following facts:

You alleged you were employed in 2018 and promoted to Production Trainer on about April 1, 2021. Since the beginning of your employment up until your discharge, you were subject to harassment because of your age, constantly referred to as an old man by management. You complained several times to human resources, and nothing was done. You further alleged you were discharged April 8, 2021, due to your age (57) and in retaliation for making a protected protest, in violation of the Age discrimination in Employment Act (ADEA) and Title VII of the Civil Rights Act of 1964, as amended.

Investigation failed to reveal any supportive evidence that you complained of harassment or other discrimination based on your age. You were discharged following several documented instances of performance issues, inappropriate conduct, and insubordination. There is insufficient evidence showing a causal nexus between your age and any adverse employment action, to include your discharge. Based upon the evidence gathered, EEOC is unable to conclude that there was a violation under the laws enforced by EEOC.

Sincerely,

Chris Stafford
Chris Stafford
Investigator



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHARGE OF DISCRIMINATION

EEOC Form 5A (1/16)

rec'd 09/17/2021

For Official Use Only – Charge Number:

846-20521-26325

Personal Information	Name (First, Middle, Last): <u>Marvin Thomas Foster</u> Street Address: <u>P.O. Box 3874</u> City: <u>Memphis</u> State: <u>Tenn.</u> Zip Code: <u>38173</u> Telephone Number: <u>901-315-9190</u> <input type="checkbox"/> Home <input type="checkbox"/> Work <input checked="" type="checkbox"/> Cell				
Information about the company or organization you believe discriminated against you.	Organization Name: <u>Rite-Hite Products Corp.</u> Street Address: <u>601 Expressway Dr</u> City: <u>Horn Lake</u> State: <u>Ms.</u> Zip Code: <u>38637</u> Your job title or the title of the job for which you applied: _____				
Why you believe you were discriminated against?	Race <input type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input type="checkbox"/> Disability <input type="checkbox"/> Age <input checked="" type="checkbox"/> National Origin <input type="checkbox"/> Retaliation <input checked="" type="checkbox"/> Other <input type="checkbox"/> Genetic Information <input type="checkbox"/>				
What happened to you that you believe was discriminatory? I have written & recorded proof.	Write a brief statement to describe the negative job action taken against you and identify the date of the action. <u>On 4-8-2021 I Marvin Foster was wrongfully terminated from Rite-Hite. Mr Darrell Jackson human resources manager stated that I was terminated for my performance, insubordination, harassment, and standard of conduct. None of that is true. I was terminated in retaliation for reporting the harassment of endure repeatedly over a 20 month period from supervisor & another employee. As well as reporting unsafe working conditions.</u>				
Signature and Verification	I understand this charge will be filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I understand by signing below that I am filing a charge of employment discrimination with the EEOC. I understand that the EEOC is required by law to give a copy of the charge, which includes my name, to the organization named above. I also understand that the EEOC can only investigate charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or based on retaliation for filing a charge of employment discrimination, helping in someone else's complaint about job discrimination, or complaining to the employer about job discrimination. I declare under penalty of perjury that the above is true and correct. Signature: <u>Marvin T. Foster</u> Date: <u>9-16-21</u>				

CHARGE OF DISCRIMINATION		Charge Presented To:	Agency/ies: Charge No(s):	
<small>Employment Discrimination Act, Title VII, Civil Rights of Privacy, Age Statement and other relevant laws, patterns comprising Title VII.</small>		<input type="checkbox"/> PEPA <input checked="" type="checkbox"/> EEOC	846-2071-26325 and EEOC	
<small>State or Local Agency, if any</small>				
Name (Indicate Mr., Ms., Mrs.) Mr. Marvin Foster		Home Phone (incl. Area Code): (901) 315-9190		Date of Birth
Street Address P.O. Box 3874, Memphis, TN 38173		City, State and ZIP Code		
<small>Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)</small>				
Name RITE-HITE PRODUCTS		No. Employees, Members 15 - 100	Phone No. (Include Area Code) (414) 973-3676	
Street Address 601 Expressway Drive, Horn Lake, MS 38637		City, State and ZIP Code		
Name		No. Employees, Members	Phone No. (Include Area Code)	
Street Address		City, State and ZIP Code		
DISCRIMINATION BASED ON (Check appropriate box(es):)			DATE(S) DISCRIMINATION TOOK PLACE <small>Earliest Latest</small>	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)			04-08-2021 04-08-2021 <input type="checkbox"/> CONTINUING ACTION	
<small>THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s):</small> <p>I began my employment as a Welder III in July 2018, and promoted to Production Trainer on about April 1, 2021 Since the beginning of my employment up until my discharge, I have been subject to harassment because of my age. I was constantly referred to as an old man by management. I complained several times to human resources, and nothing was done. I was retaliated against for my complaints and on April 8, 2021, I was discharged for fabricated reason.</p> <p>I believe I have been discriminated against because of my age (57) and in retaliation for making a protected protest, in violation of the Age discrimination in Employment Act (ADEA) and Title VII of the Civil Rights Act of 1964, as amended.</p>				

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY -- When necessary for State and Local Agency Requirements</p>
<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p>	
<p>SIGNATURE OF COMPLAINANT</p>	
<p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>	